UNITED
NATIONS

CAT

Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment

Distr.
GENERAL

CAT/C/SR.166
19 November 1993

COMMITTEE AGAINST TORTURE

Eleventh session

SUMMARY RECORD OF THE 166th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 16 November 1993, at 10 a.m.

Chairman: Mr. VOYAME

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GE.93-85592 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 4) (continued)

Initial report of Portugal (CAT/C/9/Add.15, HRI/CORE/1/Add.20)

1. At the invitation of the Chairman, Mrs. Alves Martins, Mr. Bastos, Mrs. de Gouveia Araujo, Mr. Henriques Gaspar, Mr. Gomes Dias and Mrs. Mota Matos (Portugal) took seats at the Committee table.

2. Mr. HENRIQUES GASPAR (Portugal) said the fact that the report had been submitted considerably later than the date provided for in article 19, paragraph 1, of the Convention in no way reflected any weakening of Portugal's commitment to its obligations under the Convention. In fact, the delay had made it possible to refer in the report to recent legislation, including a law on international cooperation covering, inter alia, extradition and the assistance referred to in articles 8 and 9 of the Convention.

3. While the report was being drafted, work had started on the revision of the Penal Code with the aim of introducing new types of crimes, particularly those connected with international commitments assumed by Portugal. Under the heading of crimes against humanity, they included new types of crimes of torture and other cruel, inhuman or degrading treatment described in terms of the gravity of the means used and a new crime of failure by a hierarchical superior to report an offence.

4. The first draft, prepared by a committee set up by the Minister of Justice, had been completed in 1991 and had just been published. The revised draft was awaiting consideration by the Council of Ministers and would then be transmitted to the Assembly of the Republic.

5. New legislation had also been adopted in areas relevant to the subject-matter of the Convention against Torture. A new organizational act for the National Republican Guard published in Decree-Law 231/93 of 26 July 1993 took account of the provisions of the 1987 Code of Penal Procedure.

6. An important change in the organization of the courts had been introduced by Decree-Law 321/93 of 15 September 1993. Certain courts would now be open on Saturdays, Sundays and public holidays in order to deal with urgent matters provided for in the Code of Penal Procedure and in the Act on the organization of the guardianship of minors.

7. As far as penal procedure was concerned, the aim was to ensure full compliance with the rule that anyone arrested had to be brought before the examining magistrate within at least 48 hours in order for the arrest to be confirmed.

8. Training in criminal law, penal procedure and human rights was being given to the police force and to prison staff, especially with regard to police conduct, police-citizen relations and interpersonal relationships in prisons.

9. For example, efforts were being made to improve training and information in police academies for the judicial police and the public security police through an in-depth study of United Nations and Council of Europe instruments on human rights and police conduct. Those instruments were disseminated in police academies and in the higher ranks of the National Republican Guard. Particular attention was being paid to information for prison guards and teaching staff. Courses on criminal law were given by professors from university law faculties.

10. In accordance with article 17 (g) of the new Prison Staff Rules, adopted by Decree-Law 174/73 of 12 May 1993, a higher educational level was now required for prison guards. The Rules also provided for training courses for senior officials and ongoing training courses for prison staff.

11. In 1992, the Prison Administration and the Institute for Social Rehabilitation had taken the initiative of providing information for detainees on their rights under Portuguese penal procedure, including the right to a lawyer or, for foreigners, to an interpreter and the possibility of asking for medical assistance when necessary. That information was provided in Portuguese, German, English, Spanish and French and was issued to arrested persons when they entered prison.

12. If allegations of violations of the rights and freedoms of citizens were brought to the authorities' attention despite such training and information activities, disciplinary or criminal proceedings were instituted. In addition, the public prosecutor's department was responsible for supervising the procedural activity of criminal police bodies and the Attorney-General had the possibility of ordering general and periodic inspections of the judicial police. Such inspections had been carried out every three years.

13. Mr. BEN AMMAR (Country Rapporteur) said that the core document on Portugal (HRI/CORE/1/Add.20) gave a clear idea of Portugal's political structure and legal framework. Following the 1974 revolution, Portugal had become a democratic State and a party to many international and European instruments guaranteeing respect for and the protection of human rights.

14. Portugal's initial report (CAT/C/9/Add.15) was in keeping with the Committee's reporting guidelines, but regrettably, had been submitted three years late. The Committee nevertheless believed that Portugal intended to honour its international commitments and had established the necessary structures for the preparation of reports.

15. In the Constitution, Portugal had made it clear that it intended to implement the provisions of the Convention, as shown by article 25, which stated that the moral and physical integrity of individuals was inviolable and that no one should be subjected to torture or to cruel, degrading or inhuman treatment or punishment. Article 18 of the Constitution provided that the Convention was directly applicable to and binding on public and private bodies. It was worth nothing that, if a court refused to take account of a provision of an international convention, it was mandatory for the public prosecutor to appeal against that decision to the Constitutional Council.

16. The Committee welcomed the fact that article 16 of the Constitution provided that the constitutional and legal norms relating to fundamental rights should be interpreted and applied in accordance with the Universal Declaration of Human Rights.

17. However, the statement in paragraph 15 of the report that the Universal Declaration had entered into force for Portugal on 9 March 1978 was inappropriate: the Declaration was morally binding and did not have the binding legal nature of the Covenants and Conventions. Perhaps reference should have been made to the International Covenant on Civil and Political Rights.

18. The Committee also noted that article 12 of the Constitution safeguarded the right to petition and that article 22 provided for the State's joint liability for any act or omission of its officials resulting in a violation of rights and freedoms. Article 32 of the Constitution stated that evidence obtained through torture was null and void and article 19, that the declaration of a state of siege or emergency could not be invoked as a justification for torture and could never affect fundamental rights such as the right to life and personal integrity and the right of defence of accused persons.

19. However, he believed that two matters give rise to substantive problems.

20. Paragraph 29 of the core document stated that the organs of supreme authority, namely, the President of the Republic, the Assembly, the Government and the courts had to observe the principles of separation and interdependence established by article 114 of the Constitution. What effect might that provision have on the independence of the judiciary?

21. Paragraph 30 of the core document indicated that the Government had competence to legislate on rights, freedoms and safeguards, the definition of offences, sanctions and security measures, as well as criminal procedure. Those prerogatives were, however, excessive and might well turn the executive into a superpower; they were, moreover, not compatible with democratic principles.

22. With regard to the territory of Macao, which was at present under Portuguese administration and was to be returned to the People's Republic of China in December 1999 under a Joint Declaration signed by Portugal and the Chinese Government, China had promised to respect the legal, social and economic system in force on that date and to guarantee civil and political rights. However, the Joint Declaration did not mention the Convention against Torture or the International Covenant on Civil and Political Rights, and that was a serious omission, since both instruments should apply to the whole of Portuguese territory, including dependent and trusteeship territories. Did the Portuguese Government intend to remedy that situation by extending the scope of the Convention, in view of the fact that Macao had its own legislation and legislative bodies? That question had also been raised by the Human Rights Committee when it had considered the report of Portugal (CCPR/C/42/Add.1).

23. As far as legislation was concerned, article 412 of the Penal Code provided for the punishment of violence, serious threats or any other illegal means of constraint designed to obtain a written or oral statement from an accused person. In the Committee's view, such offences were restrictive and did not square with the purpose of the Convention and the definition of torture contained in article 1: the idea of punishment was not present. Article 2 of the Convention provided that each State party should take effective legislative, administrative, judicial or other measures to prevent acts of torture. Whether the measures adopted by Portugal had been sufficiently effective remained to be seen.

24. In paragraph 35 of the report, it was stated that the Decree-Law of 21 September 1990 required the judicial police to refrain from inflicting torture, inhuman, cruel or degrading treatment and gave them the right not to execute and, if necessary, to disregard orders or instructions to apply such treatment. Did such provisions also apply to other police bodies?

25. Paragraph 54 indicated that radical changes had been made in order to reinforce further the prohibition of torture and other ill-treatment by imposing severe sanctions on persons committing such offences. Could the Portuguese delegation tell the Committee what those changes were?

26. In connection with article 4 of the Convention, the report listed the sentences applicable to 16 types of crime, but the list did not contain the crime of torture or cruel, inhuman or degrading treatment. Perhaps it came under the various offences connected with misuse of power.

27. The Committee would like to have statistics, as requested in the general guidelines, on the number of cases brought by the Ombudsman or the public prosecutor, the number of complaints filed by victims, their families or counsel, and the results of the inquiries.

28. He had no particular questions on article 10. It seemed that the Portuguese authorities were making great efforts to educate, train and inform the various professional bodies involved in preventing and punishing torture, as well as the public at large.

29. He particularly wished to know what legislative provisions applied to police custody and pre-trial detention and whether they fully complied with article 11 of the Convention on the obligation to ensure a systematic review of "interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment". He also asked whether a list of detention centres was included in legislative instruments or elsewhere, how long police custody lasted under normal circumstances and in a state of emergency, whether legal counsel could be present during interrogations, not only under normal circumstances, but also during states of emergency and states of siege, the point at which the detainee's family was notified of his arrest, the stage at which a medical doctor was allowed to visit a detainee, whether the doctor could be chosen freely by the detainee or his family, was designated by the medical board or chosen by the authorities, and whether the Attorney-General,

his representatives or the Provedor de Justiça (Ombudsman) had access to police stations and other detention centres at any time of the day or night without having to give prior notice.

30. Pre-trial detention was of particular concern, as it could last 12 or 16 months or even up to 3 or 4 years, depending on how many persons had been accused or had been the victims of a crime and whether organized crime was involved. Detaining people for such lengthy periods was contrary to the principle of the presumption of innocence.

31. As a State party to the European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment, Portugal had been visited by one of the committees which had been set up under the Convention and was responsible for inspecting prisons and detention centres. Had the committee's report been made public and, if not, did the Government intend to make it public?

32. Reliable sources had indicated that the efforts being made by Portugal's authorities, including the establishment of the Provedor de Justiça (Ombudsman), the Portuguese Association for the Support of Victims (APAV) and educational programmes, were not having much of an impact.

33. Amnesty International had stressed that acts of violence and torture at police stations and in civil and military prisons were still being reported. It had also stated that judicial investigations were often extremely slow, frequently lacked thoroughness and were often inconclusive. In fact, very few judicial investigations into allegations of torture and ill-treatment had resulted in the prosecution of law enforcement officials, even when the crimes had been particularly serious and medical reports had corroborated the allegations.

34. Amnesty International had raised the matter of cases of torture with the Portuguese authorities before making them public in a document dated October 1993. For example, the document referred to the cases of Mário Manuel da Luz and Isidro Albuquerque Rodrigues, both of whom had been charged with ordinary criminal offences. Mário Manuel da Luz had been held at Linhó prison until his death in June 1989. According to his fellow prisoners, he had been systematically beaten every day. The prison director had been suspended from his post, but no administrative or judicial investigation had been conducted in the four years since the death of Mário Manuel da Luz. Isidro Albuquerque Rodrigues had been arrested by the judicial police. He had been subjected to torture during his detention and had subsequently passed on the names of his aggressors to the media. A communication sent by Amnesty International to the Ministry of Justice had received no reply. In May 1992, the Attorney-General had confirmed that an investigation was under way, although its outcome was still unknown.

35. Amnesty International had also reported the case of José Luis Barros and Paulo Jorge Gomes Almeida, who had allegedly been violently beaten by two officers of the Public Security Police (PSP), in September 1990. One of the officers had been acquitted and the other had been given a light sentence, but had later been pardoned under the amnesty passed in July 1991.

36. Portugal should consider making it compulsory for members of the police force and law enforcement agencies to respect the dignity and physical and moral integrity of the persons in their charge at all times. It was to be hoped that the proposed amendments to the Code of Penal Procedure and other instruments would ensure fuller compliance with the provisions of the Convention.

37. The CHAIRMAN, speaking in his capacity as Alternate Country Rapporteur, thanked the representative of Portugal, for his oral introduction to the initial report.

38. The absence of a definition of torture in Portuguese law was regrettable and apparently undermined the direct application of the Convention. Article 1 of the Convention was not covered by the vague reference to "violence, serious threats or any other illegal means of constraint" punishable under article 412 of the Penal Code. Portugal had to specify exactly which crimes constituted torture or ill-treatment and impose the corresponding penalties. He requested information on article 132, paragraph 2 (b), of the Penal Code, as referred to in paragraph 18 of the report, on cases brought before the courts and on judgements handed down.

39. Paragraphs 116 to 126 did not explain the legal basis for the implementation of article 3 of the Convention. The report also did not provide adequate details of whether there had been cases of torture or ill-treatment in Portugal in recent years and, if so, why they had occurred, why they had not been prevented and what had been done to punish the perpetrators. It thus did not comply with the general guidelines regarding the form and contents of periodic reports (CAT/C/14).

40. Amnesty International had provided extensive information on cases of torture and ill-treatment, some of which dated back a long time, and had drawn attention to the fact that judicial investigations had tended to be slow, were not thorough enough, or resulted in light sentences for those found guilty, especially when law enforcement officials were involved. What had been done in response to those allegations?

41. It was regrettable that law enforcement officials were sometimes quite brutal in their treatment of suspects and detainees. More often than not, they went unpunished and, aware of their impunity, continued to engage in practices which were contrary to the provisions of the Convention. The table in paragraph 172 of the report implied that there were few actual cases of police violence, but that had been strongly refuted by the information contained in the reports compiled by Amnesty International and other international human rights organizations. Moreover, the table gave information and figures only for the period from 1987 to 1989. What had happened since 1989?

42. Mr. LORENZO thanked the representative of Portugal for his country's detailed report and for his interesting oral introduction.

43. The information on what could be termed widespread cases of torture and ill-treatment provided by reliable sources gave rise to serious concern. The Committee traditionally criticized less developed countries for failing to

eradicate torture and other regrettable practices. Although such violations of human rights could never be justified, those countries' weak economies and low level of development helped to explain why such practices persisted. The Committee should, however, reserve its strongest condemnation for any European country guilty of similar violations, for which there could be no excuse.

44. Paragraph 31 of the report referred to the special safety measures authorized in Portugal, including isolation of the prisoner from the prison population; removal of, or restrictions on, outdoor periods; the use of handcuffs, and confinement in a special security cell. He wished to know how long such measures could be applied because, if they lasted too long, they could be regarded as cruel and inhuman treatment or punishment.

45. Mr. EL IBRASHI said that paragraph 55 of the core document stated that "The military courts have jurisdiction to try essentially military offences", but also that "If there is good cause, the law may give these courts jurisdiction over certain deliberate offences that may be considered to amount to essentially military offences". What kind of offences did the courts therefore deal with and had any civilians been brought before them?

46. Paragraph 111 of the report said that there were certain rights, freedoms and safeguards that could not be suspended or set aside during a state of siege or a state of emergency. However, paragraph 113 went on to state that "the suspension of the exercise of those rights which may be set aside must always observe the principles of equality and non-discrimination". It was not clear which rights were being referred to. How many times had the state of emergency been declared and did it affect any of the rights provided for in the Convention?

47. Paragraphs 191 to 196 on the implementation of article 14 referred only to compensation for physical violence, but did not mention compensation for moral and mental torture. Was that because there were no provisions in Portugal's legislation to deal with such torture? If such provisions did exist, what cases had been brought before the courts?

48. Paragraph 194 said that "applications for compensation must be submitted to the court competent to judge the criminal offence" and that "Acquittal in criminal proceedings does not of itself entail loss of the right to compensation". He asked whether that was a reference to State responsibility and civil liability.

49. He requested clarification on the reference in paragraph 56 of the report to the National Republican Guard's role as "legal guarantor of the exercise of the rights and fundamental freedoms of citizens". Which rights in particular had been entrusted to the National Republican Guard?

50. Mr. BURNS said that he agreed with other members about the importance of having a definition of torture. Portugal had been requested to provide statistical details, yet it seemed virtually impossible for a country to distinguish between cases involving overzealous policemen and acts of torture unless it had such a definition in its domestic law.

51. With regard to the question of obeying the orders of a superior, he asked whether such an argument was in any way recognized as a defence or as an extenuating circumstance during sentencing.

52. Portugal clearly had a comprehensive formal system of protection, but, as the report of Amnesty International suggested, a gap existed between theory and practice. Was there an informal system of impunity in Portugal? If so, what measures were being taken by the Government to combat it? He had in mind the reporting, timely investigation and vigorous prosecution of complaints in the courts. He had seen nothing in Portugal's report to indicate that the problem of torture was taken seriously by the medical profession. He requested further details on how the medical profession and the public prosecutor's department operated within prisons.

53. An amnesty had been granted in Portugal at least once in the recent past and he wondered how often amnesties had been proclaimed in the past decade and whether they were of a general nature or only for a certain category of accused persons in prison. He noted that, in one of the few cases in which a prison officer had been convicted of torture, he had been amnestied.

54. Referring to paragraph 61, he noted that article 6, paragraph 1 (e), of the Decree-Law, stated that a request for international cooperation in criminal matters would be refused if the act to which it related was punishable by death or by life imprisonment. Did that mean that, if a Canadian sexual psychopath had killed a number of women and then fled to Portugal, the Government of Portugal would refuse a request for cooperation because the act was punishable by life imprisonment?

55. Turning to paragraph 172, he said he was pleased to see that the Provedor de Justiça, (Ombudsman) had such broad powers. At the same time, he asked what the term "legal proceedings" meant in that paragraph. Did it refer to pre-trial or to subsequent detention? Was the term "penal establishments" a reference to police stations? He wondered why the table in paragraph 172 provided no information later than 1989 and whether the information was comprehensive. It was surprising that there had been only one case of police violence recorded in 1988 and only two in 1989.

56. Paragraph 116 stated that, under article 33 of the Constitution, Portuguese citizens could not be extradited or deported from the national territory. If a Portuguese national alleged to have committed torture in a foreign territory was arrested in Portugal, how did the Government of Portugal proceed?

57. During the 48 hours of detention, could the accused have access to counsel? Could the 48-hour period be exceeded under certain circumstances?

58. Paragraph 182 related to the case of a Government official who had been sentenced to 18 months' imprisonment for committing homicide with a firearm. He inquired whether the use of the firearm had been found to be negligent or wilful; in the latter case, the sentence appeared to be very lenient.

59. According to paragraph 197, article 32, paragraph 6, the Constitution of Portugal stipulated that evidence obtained through torture was null and void. With that in mind, he would like the delegation of Portugal to comment on the case of Isidro Albuquerque Rodrigues, as described in the report of Amnesty International, who had claimed that his confession had been extorted by torture, but who had nevertheless been sentenced to 18 years' imprisonment. Had there been a judicial inquiry into his allegation and, if so, what had its findings been? Amnesty International had also reported the case of Paulo Jorge Gomes Almeida, who had suffered grievous bodily harm at the hands of the police; one police officer had been found guilty, but had benefited from an amnesty before beginning his sentence. How was it possible to reconcile amnesty for Government officials who committed acts of torture with article 2, paragraph 1, of the Convention, which required States to take effective measures to prevent acts of torture? In that connection, what were the concept and the rationale behind the Law on Judicial Secrecy, to which reference had been made in the report of Amnesty International?

60. Mr. SORENSEN said that he would not take part in the discussion, inasmuch as Portugal had not decided to make public the confidential information available to the Council of Europe's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, of which he was a member. He would comment only on medical matters.

61. With regard to paragraph 37, he welcomed the Code of Ethics drafted by Portuguese physicians in 1982. But did the Government of Portugal acknowledge the Code and was it binding on the Government? Could physicians be brought to court for violating the Code, in particular physicians at risk working for the police or in prisons? Were the latter physicians employed by the Ministry of Justice or the Ministry of Health? How was their independence ensured? Could they appeal to a medical board if they were accused of wrongful behaviour?

62. Turning to paragraphs 191 to 196, he recalled that, under article 14 of the Convention, rehabilitation must be as full as possible, and that included medical rehabilitation for the victims of torture. He asked whether rehabilitation centres existed and pointed out that the United Nations technical assistance services would be willing to assist Portugal in setting up such facilities.

63. Lastly, he referred to the United Nations Voluntary Fund for Victims of Torture. The Fund was in need of resources and any contribution would be welcome, as a gesture to show a willingness to rehabilitate the victims of torture. Acknowledging the existence of torture victims was seen as a form of redress.

64. Mr. DIPANDA MOUELLE, joining the other members of the Committee in thanking the delegation of Portugal for the wealth of information provided in its report, asked for clarification on a number of points.

65. The reference in paragraph 10 to "wrongful interference in private life, the home, correspondence or telecommunications" might give rise to confusion. In his view, the concept of "wrong" should be interpreted in more rigorous

fashion; it would be better to rely exclusively on article 18, paragraph 2, of the Constitution of Portugal, as set out in paragraph 16 of the report. He asked the delegation of Portugal to comment.

66. No mention was made of the penalties imposed for the offences described in paragraph 17 and he requested further details so that the Committee could verify whether they were consistent with the spirit of the Convention.

67. Concerning paragraph 19, he would like to know whether the law punished all sexual acts with detainees, even if such acts were consensual. If so, did the law provide for extenuating circumstances?

68. He wondered whether the phrase "if this is necessary to protect his privacy" in paragraph 26 was not superfluous.

69. Paragraph 28 discussed the use of force and he inquired what kinds of force were employed.

70. In paragraph 57, it would appear that the compensation described in Decree-Law No. 324/85 concerned government officials, rather than the victims of torture, as required under the Convention.

71. Lastly, could the delegation of Portugal provide a description of the judicial system and explain how the independence of the judiciary was ensured?

72. Mr. KHITRIN asked the delegation of Portugal to enumerate the main activities of the public prosecutor's department. In particular, did it monitor the legality of judicial proceedings? What was its role in investigating cases involving torture?

73. He also wished to know whether the Provedor (Ombudsman) had a staff and how much staff members earned. Was the Provedor really independent and what was his relationship to the public prosecutor's department?

74. What was the status of military tribunals? Portuguese law allowed military tribunals to sit in judgement for certain kinds of crimes; could the delegation of Portugal inform the Committee what kind of crimes were involved? Furthermore, who punished a military serviceman guilty of having committed a crime? Where were such persons held and what were the conditions of their detention?

75. Mr MIKHAILOV congratulated the Portuguese delegation on the report, which appeared to reflect substantial changes, at least in terms of legislation, since the beginning of the transition to democracy. In addition to the many questions already asked by other members of the Committee, he wished to raise a number of points of his own in connection with the report.

76. Referring to the fact that, according to the Constitution, the provisions of all duly ratified international conventions were incorporated into domestic law (paras. 48 and 49 of the report), he asked whether courts could invoke article 1 of the Convention relating to the definition of torture and whether they did so in practice.

77. He wished to know whether Portugal had signed the European Convention on the Suppression of Terrorism referred to in paragraph 61 and whether specific legislation existed for the suppression of terrorism.

78. He noted from paragraphs 120 and 121 that the extradition procedure in Portugal consisted of an "administrative phase" and a "judicial phase". He wished to know how those phases were related and whether the judicial phase was subordinate to the administrative phase.

79. With regard to the question of compensation, he noted that, according to paragraph 191, several avenues were open to persons seeking compensation: the general principle was stated in article 483 of the Civil Code, while article 22 of the Constitution dealt more specifically with the liability of public authorities and was complemented by Decree-Law 48051 of 31 November 1967. Compensation for persons acting in an official capacity who had been victims of violence was governed by other legislation cited in paragraph 57. He wished to know what the relationship was between the Civil Code and the Decree-Law and what mechanisms existed for providing compensation. He also wanted to know whether, in the view of the Portuguese delegation, a proper balance had been struck on the legislation between the rights of ordinary citizens and those of public officials.

80. He presumed that capital punishment had been abolished, but it was not clear what penalties had taken its place.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

Consideration of the Committee's methods of work (continued)

81. The CHAIRMAN, referring to the Committee's discussion on the contents of the annual report (CAT/C/SR.156), said that it was his understanding that the annual report would be confined to the full text of the Committee's conclusions and recommendations and refer to the relevant summary record for details of the discussion of the reports of States parties and the questions and replies arising from them.

82. It was so decided.

Appointment of a new Alternate Country Rapporteur for Cyprus

83. Mr. SORENSEN said that the illicit publication in a Cypriot newspaper of parts of the report by the European Committee for the Prevention of Torture, of which he was Vice-Chairman, had placed him in a somewhat embarrassing position, in that his own independence and impartiality might be regarded as compromised. Under the circumstances, he would feel happier if the Committee would allow him to step down as Alternate Country Rapporteur for Cyprus.

84. The CHAIRMAN suggested that Mr. El Ibrashi should replace Mr. Sorensen as Alternate Country Rapporteur for Cyprus.

85. It was so decided.

Working methods of other treaty bodies (continued)

86. Mr. EL IBRASHI reported on the forty-ninth session of the Human Rights Committee and, in particular, on the recommendations which had been discussed concerning working methods. In his view, some of those recommendations were of great relevance to the Committee against Torture. Of particular interest was the decision by the Human Rights Committee to revise rule 70 of its own rules of procedure concerning the submission of reports. In future, States parties would be reminded where appropriate of the availability of the advisory services. In addition, the Committee's own comments on the reports of States parties would be restructured and would include an introduction, followed by sections dealing with various difficulties impeding the application of the Covenant on Civil and Political Rights, positive aspects, principal subjects of concern, and proposals and recommendations. It had also been agreed that the Committee's observations would be made available to delegations at the last meeting of the session and made public immediately thereafter. Documents from non-governmental organizations would be officially distributed to all Committee members in the original languages. Another important decision had been that, where a State party's third periodic report revealed a grave human rights situation, the Human Rights Committee would ask the Secretary-General to inform the competent organs, such as the Security Council.

87. Other recommendations, which had been discussed, but not adopted, were also of interest to the Committee against Torture. In particular, the Working Group responsible for reviewing working methods had recommended that States parties whose reports were five years or more overdue should be sent one final note verbale urging them to submit their reports as soon as possible, with the warning that failure to do so would result in a report being prepared by a member of the Committee on the basis of available sources of information.

88. The Working Group had also recommended that, where an initial report was clearly deficient, the Committee should request resubmission in the near future, and had proposed that a list should be drawn up of issues to be covered in initial reports, with a view to reducing the number of deficient initial reports. Two other recommendations were that the Committee should appoint members responsible for briefing it on the activities of other United Nations organs and international human rights bodies and that a computer database should be installed in the Centre for Human Rights.

89. The CHAIRMAN thanked Mr. El Ibrashi for his report and suggested that it should be left to the new membership to take any final decisions on the Committee's working methods on the basis of the information which had been presented and the Committee's previous discussions.

90. It was so decided.

The meeting rose at 12.45